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12 ATTORNEYS FOR DEFENDANT RITZ TRANSPORTATION, INC.,  
13 AWG AMBASSADOR, LLC, ALAN WAXLER  
14 AND RAYMOND CHENOWETH

15 **UNITED STATES DISTRICT COURT**

16 **DISTRICT OF NEVADA**

17 FRANK COHN, Individually and on behalf of a **CASE NO. 2:11-CV-01832-JCM-RJJ**  
18 class of all similarly situated persons.

19 Plaintiffs,

20 v.

21 RITZ TRANSPORTATION, INC., AWG  
22 AMBASSADOR, LLC., ALAN WAXLER, and  
23 RAYMOND CHENOWETH,

24 Defendants.

25 **STATUS REPORT**

26 Defendants Ritz Transportation, Inc., AWG Ambassador, LLC, Alan Waxler and  
27 Raymond Chenoweth (hereinafter referred to as "Defendants") hereby submit their status report  
28 as follows:

29 Class Notice List Over-Inclusive

30 As discussed during the status conference on December 10, 2012, it has been determined  
31 that the Class Notice list provided by former defense counsel was over-inclusive. Per the

1 Complaint, the proposed class in this case consists of “a putative class of shuttle bus drivers  
 2 employed by the defendant solely in the State of Nevada within three (3) years of the filing of  
 3 this Complaint until entry of judgment after trial.” See Complaint at ¶6. In fact, the list provided  
 4 individuals that were not shuttle drivers, as well as individuals that were not employed by any of  
 5 the defendants. As a result, it appears that there were 108 shuttle drivers for Ritz Transportation  
 6 and 56 shuttle drivers for AWG Ambassador. The remaining drivers on the Notice List should  
 7 not have been noticed as they were not shuttle drivers or were not employed by Ritz  
 8 Transportation or AWG Ambassador. Therefore, Notice should have only gone out to 164  
 9 drivers.

11 Payroll Data

12 The proposed class period for discovery purposes has been from October 26, 2009  
 13 through present. Ritz Transportation was merged into AWG Ambassador effective June 2011.  
 14 This merger created multiple different types of payroll data.

15 From October 26, 2009 through June 2010, Ritz Transportation employees were paid via  
 16 commission. This data has been provided to Plaintiffs and shows the hours worked and the  
 17 amount paid. The “Regular Rate” of pay will need to be manually calculated to determine what  
 18 amount of potential exposure exists for this timeframe.

19 From June 2010 through June 2011, Ritz Transportation was paid by the hour and  
 20 managed by the AWG entity. Similarly, June 2011 to present, the drivers (now all working for  
 21 the merged entity AWG Ambassador) were paid by the hour. Payroll data has been disclosed as  
 22 follows:

23

- 24 1. Timeclock reports showing hours worked per day by driver.
- 25 2. ADP reports that show hours worked for a two-week payroll period and gross wages  
 26 and deductions.

27

28

This information will need to be manually calculated to determine potential exposure for this timeframe. This is the process currently occurring.

In addition, the data must be updated for current shuttle drivers.

Respectfully Submitted,

DATED this 18th day of December, 2012.

## GORDON SILVER

By: /s/ Molly Rezac  
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*Attorneys for Defendant Ritz Transportation,  
Inc.,  
AWG Ambassador, LLC, Alan Waxler  
And Raymond Chenoweth*

**CERTIFICATE OF SERVICE**

I certify that I am an employee of GORDON SILVER, and that on this date, pursuant to FRCP 5(b), I am serving the attached copy of a **STATUS REPORT** on the party set forth below by:

X Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail at Reno, Nevada, postage prepaid, following ordinary business practices

\_\_\_\_\_ Certified Mail, Return Receipt Requested

\_\_\_\_\_ Via Facsimile (Fax)

\_\_\_\_\_ Placing an original or true copy thereof in a sealed envelope and causing the same to be personally Hand-Delivered

\_\_\_\_\_ Federal Express (or other overnight delivery)

\_\_\_\_\_ E-service effected by CM/ECF

addressed as follows:

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DATED this 18 day of December, 2012.

/s/ Michelle Walsh  
An employee of GORDON SILVER